In the High Court of Judicature at Madras

Dated: 10.01.2007

Coram:

The Honourable Mr.Justice P.SATHASIVAM

and

The Honourable Mr.Justice N. PAUL VASANTHAKUMAR

Writ Petition No.1308 of 2007
and MP.No.1 of 2007

K. Prince ..Petitioner

..vs..

The Member Secretary
Chennai Metropolitan Development
Authority, Egmore
Chennai 8. ..Respondent

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorari to call for the records relating to the Respondent vide his Impugned Notice in their letter NO.EC2/1149/2000 dt. 27.12.2006 and to quash the same.

For Petitioner : Mr. S. Sundaresan

For Respondent : Mr. J. Ravindran

ORDER

(Order of the Court was made by P.SATHASIVAM,J.)

Aggrieved by the impugned notice dated 27.12.2006, the petitioner has filed the above writ petition to quash the same.

2. On direction, Mr. J. Ravindran, takes notice for the respondent.

3. The learned counsel appearing for the petitioner by drawing our attention to the fact that based on the approved plan dated 10.07.1986, the building in question was constructed 20 years ago and the respondent is not justified in issuing the impugned notice, requesting the petitioner to discontinue the occupation within 15 days from the date of receipt of the said notice enabling the authority to carry out demolition. It is

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also brought to our notice that on receipt of the impugned notice, even on 06.01.2007, the petitioner made a detailed representation highlighting all the particulars, enclosing the approval plan and requested the authority not to proceed with the impugned notice dated 27.12.2006. The learned counsel has also produced postal receipt evidencing the fact that the representation had been addressed to the Member Secretary, Chennai Metropolitan Development Authority on 06.01.2007.

4. In view of the assertion and the information mentioned in the said representation of the petitioner, we are of the view that ends of justice would be met by directing the respondent to consider and pass orders on the representation of the petitioner dated 06.01.2007, after verifying the building in question, in accordance with law. Till such final decision being taken, the impugned notice dated 27.12.2006 shall be suspended.

The writ petition is disposed of on the above terms. No costs. Consequently, connected MP., is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

kh

To
The Member Secretary
Chennai Metropolitan Development
Authority, Egmore
Chennai 8.
+ 1 CC To Mr. J.Ravindran, Advocate SR NO. 2418

+ 1 CC To Mr. S.Sundaresan, Advocate SR NO. 1899

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